

REMARKS**Claim Amendments**

The Applicants have amended certain claims in this response. Claim 1 has been amended to correct the sequence of SEQ ID NO.: 16 to make this sequence consistent with the remainder of the claims. Claims 1, 8 and 37 have been amended to specify that the compounds disclosed may bind to SEQ ID NO.: 16 or a portion thereof; this limitation was present in original claims 31, 36, 51 and 58. Claims 4 and 6 were amended to correct typographical errors. Claim 3 has been amended to specify the claimed polypeptide may comprise the sequence of SEQ ID NO.: 17 or a portion thereof. Claim 4 has also been amended to specify that SEQ ID NO.: 16 is present in a DNA-PKcs protein.

Response to Restriction

In the instant office action, the Examiner requested that the Applicants restrict the claims to one invention as set forth in 35 USC 121. The Examiner stated that the claims, as drafted, were drawn to seven distinct inventions.

The Applicants provisionally elect the claims of Group II (claims 5-19 and 27-29) for further prosecution on the merits. The Applicants respectfully traverse the Examiner's holding that the claims of Groups I (1-4), II and V (40-41 and 52-58) are distinct inventions.

The claims of Group II are drawn to compounds, such as single chain antibodies, that bind to DNA-PKcs in a region outside of the catalytic domain. The claims of Group I are drawn to a compounds (referred to as a DNA repair modulator) that binds to a defined sequence (SEQ ID NO. 16) that is outside of the catalytic domain. The claims of Group V relate to vectors encoding a species of such compounds. While the products of the claims of Groups I and II and Group V may be made by different processes, the products of these claims operate with the same mode of operation, have the same function and have the same effects in that the compounds (or in the case of the Group V claims the product of the vector) each bind to DNA-PKcs in a region outside of the catalytic domain to exert their function. Therefore, the Applicants respectfully submit that the claims of Groups I, II and V are not distinct from one another and that the claims of Groups I, II and V be examined in the instant application.

Conclusion

Applicant respectfully requests that the requested amendments be entered and that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,



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